

FILED
08 JUL 23 PM 4:10
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERARDO V. PINEDA Plaintiff,

vs.

LTJ.W. FULLER

SG D. MCGRAW

Defendant.

CASE NO. CV 08 3326

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

I, GERARDO V. PINEDA, declare, under penalty of perjury that I am the
plaintiff in the above entitled case and that the information I offer throughout this application
is true and correct. I offer this application in support of my request to proceed without being
required to prepay the full amount of fees, costs or give security. I state that because of my
poverty I am unable to pay the costs of this action or give security, and that I believe that I am
entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ☐ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the
name and address of your employer:

Gross: N/A Net: _____

Employer: _____

3

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)
 4 _____
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes ____ No ☒
 10 self employment

11 b. Income from stocks, bonds, Yes ____ No ☒
 12 or royalties?

13 c. Rent payments? Yes ____ No ☒

14 d. Pensions, annuities, or Yes ____ No ☒
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes ____ No ☒
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 N/A
 22 _____
 23 _____

23 3. Are you married? Yes ____ No ☒

24 Spouse's Full Name: N/A

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ _____ Net \$ _____

28 4. a. List amount you contribute to your spouse's support: \$ _____

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

J.P. 14

5. Do you own or are you buying a home? Yes ☐ No ☒
Estimated Market Value: \$ _____ Amount of Mortgage: \$ N/A

6. Do you own an automobile? Yes ☐ No ☒

Make N/A Year Model

Is it financed? Yes _____ No _____ If so, Total due: \$ _____
Monthly Payment: \$ _____

7. Do you have a bank account? Yes _____ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: _____

Present balance(s): \$ N/A

Do you own any cash? Yes ☐ No ☒ Amount: \$ _____

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ☐ No ☒

8. What are your monthly expenses?

Rent: \$ IN CARCERATED Utilities:

Food: \$ 100.00 / MONTH Clothing: _____

Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
N/A	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.)

3 N/A

4
5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes No ✓
7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.

9 N/A

10
11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15
16 July 15, 2008
17 DATE

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19
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27
28
Ado P. P. K-07529
SIGNATURE OF APPLICANT

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

STATE OF CALIFORNIA
GA-22 (9/92)

DATE JULY 3	TO ACCOUNTING TRUST OFFICE	FROM (LAST NAME) PINEDA	CDC NUMBER K-07529
HOUSING 3H33-L	BED NUMBER	WORK ASSIGNMENT UNASSIGNED	JOB NUMBER FROM TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I NEED CERTIFICATION TO BE SENT TO COURT. ATTACHED IS THE COPY

CERTIFICATE OF FUNDS, I ALSO NEED COPY.

NOTE: I WILL PROVIDE CASE # AS SOON AS CERTIFICATE OF FUNDS IS RECEIVED BY THE COURT. (# CV-08-3326)

RCVD. 7-15-08

THANK YOU

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY

DISPOSITION

DATE

7-9-08

I sent your 6 mos cert. to your counselor on 7-9-08

(TO R.W. WICKING, CERTIFICATE WAS MAILED ON 7-9-08)

Case Number: CV-08-3326

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of GERARDO PINEDA, K-07529 for the last six months
[prisoner name]
CSP SAN QUENTIN where (s)he is confined.
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ _____ and the average balance in the prisoner's account each month for the most recent 6-month period was \$ _____.

Dated: _____

[Authorized officer of the institution]

555
FILED

JUL - 9 2008

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §§ 1983

Name PINEDA GERARDO V.
 (Last) (First) (Initial)

RICHARD W. WIEKING
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Prisoner Number K-07529

Institutional Address CSP SAN QUENTIN, 3433-L, SAN QUENTIN, CA-94974

(PR)

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

E-filing

RMW

GERARDO V. PINEDA
 (Enter the full name of plaintiff in this action.)

EV 08

3326

vs.

Case No. _____
 (To be provided by the Clerk of Court)

LT. G.W. FULLER

SGT. D. McGRAW

COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 Title 42 U.S.C § 1983

[All questions on this complaint form must be answered in order for your action to proceed..]

1. Exhaustion of Administrative Remedies.

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement SAN QUENTIN

B. Is there a grievance procedure in this institution?

YES (✓) NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (✓) NO ()

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

COMPLAINT

ORIGINAL
FILEDUNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUL - 9 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Dear Sir or Madam:

Your complaint has been filed as civil case number

CV 08 3326
 ✓ A filing fee of \$350.00 is now due. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety. If the application is granted, you will not have to prepay the fee, but it will be taken out of income to your prisoner account in installments. **RMW**

Your complaint is deficient because you did not pay the filing fee and:

1. _____ you did not file an In Forma Pauperis Application. **E-filing**
2. _____ the In Forma Pauperis Application you submitted is insufficient because:

_____ You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

_____ Your In Forma Pauperis Application was not completed in its entirety.

_____ You did not sign your In Forma Pauperis Application.

_____ You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.

_____ You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

_____ Other _____

Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

Warning: YOU MUST RESPOND TO THIS NOTICE. If you do not respond within **THIRTY DAYS** from the filing date stamped above, your action will be **DISMISSED**, the file closed and the entire filing fee will become due immediately. Filing a Prisoner's In Forma Pauperis Application will allow the court to determine whether installment payment of the filing fee should be allowed.

Sincerely,
RICHARD W. WIEKING, Clerk,

By _____
Deputy Clerk

6.81111111 K-02529
CSF & 3433-L
SAN FRANCISCO, CA 94102-9680

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LEGAL MAIL

BUSINESS REPLY MAIL

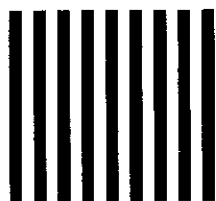
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SAN FRANCISCO CA 94102-9680



NO POSTAGE
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UNITED STATES



7-16-08 c/p S WLL